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16 *Attorneys for Plaintiff*

17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 FIONA HARVEY,  
20 Plaintiff,  
21 v.

22 NETFLIX, INC. and NETFLIX  
23 WORLDWIDE ENTERTAINMENT,  
24 LLC,  
25 Defendants.

Case No. 2:24-cv-04744-RGK-AJR

**DECLARATION OF BRIAN  
LEVENSON IN OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS**

Date: September 16, 2024

Time: 9:00 a.m.

Place: Courtroom 850

Judge: The Hon. R. Gary Klausner

1 I, BRIAN LEVENSON, hereby declare and state as follows:

2 1. I am a partner at The Roth Law Firm, PLLC as counsel for Plaintiff  
3 Fiona Harvey in this matter. I am over 18 years old and I submit this Declaration  
4 based upon my personal knowledge. If called as a witness, could and would testify  
5 to the matters set forth below.

6 2. This Declaration is submitted in Opposition to Defendants Netflix  
7 Inc.'s, and Netflix Worldwide Entertainment LLC's Motion to Dismiss.

8 3. Annexed as Exhibit 1 is a true and correct copy of the transcript of the  
9 May 8, 2024 hearing (the "Hearing") of the Culture, Media and Sport Committee  
10 (the "Committee") in the House of Commons, available on UK Parliament's  
11 website at (transcript available at

12 [https://committees.parliament.uk/committee/378/digital-culture-media-and-sport-](https://committees.parliament.uk/committee/378/digital-culture-media-and-sport-committee/publications/oral-evidence/)  
13 [committee/publications/oral-evidence/](https://committees.parliament.uk/committee/378/digital-culture-media-and-sport-committee/publications/oral-evidence/)) (last visited August 6, 2024). The Hearing

14 can be viewed on UK Parliament's website at t

15 [https://parliamentlive.tv/Event/Index/6fba870f-84fa-4bc5-a25c-](https://parliamentlive.tv/Event/Index/6fba870f-84fa-4bc5-a25c-7373979e4cca#player-tabs)  
16 [7373979e4cca#player-tabs](https://parliamentlive.tv/Event/Index/6fba870f-84fa-4bc5-a25c-7373979e4cca#player-tabs)) (last visited August 6, 2024)

17 4. Annexed as Exhibit 2 is a true and correct copy of the promotional  
18 material for *Baby Reindeer* on Netflix's website,

19 <https://www.netflix.com/tudum/articles/baby-reindeer-cast-release-date-plot>.

20 Exhibit 2 is incorporated into the Complaint. Complt., ¶ 73.

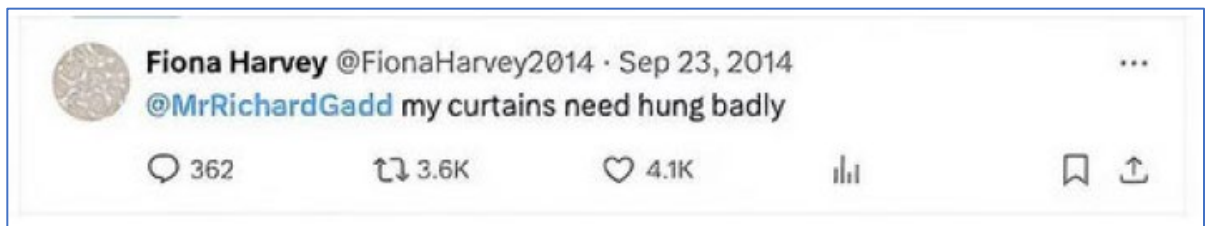
21 5. Annexed as Exhibit 3 is a true and correct copy of a letter dated May  
22 23, 2024 from Netflix to the Committee clarifying its statement at the Hearing that  
23 "the person on whom the show is based" was the subject of a court order and not a  
24 criminal conviction. Exhibit 3 is available at UK Parliament's website at"

25 <https://api.parliament.uk/committees/publications/45022> (last visited August 6,  
26 2024).

6. Annexed as Exhibit 4 is a true and correct copy of a UK Parliament webpage explaining the process of becoming a Member of Parliament available at <https://www.parliament.uk/about/mps-and-lords/members/electing-mps/> (last visited August 6, 2024).

7. Annexed as Exhibit 7 is a screenshot of a video that Netflix posted to its social media accounts on Twitter and Facebook proclaiming, “Martha’s emails from *Baby Reindeer*. Everyone of them is real.” Netflix’s post received 460,000 views on Twitter, 2.9 million plays on Facebook, available at <https://www.facebook.com/netflixus/videos/marthas-emails-from-baby-reindeer-every-one-of-them-real/1071706193898341/> (last accessed August 6, 2024) and <https://x.com/netflix/status/1779162630520729877?lang=en> (last accessed August 6, 2024).

8. Annexed as Exhibit 8 is a true and correct copy of a publicly available and searchable tweet from FionaHarvey2014 to MrRichardGadd dated September 23, 2014 that states: “@MrRichardGadd my curtains need hung badly” available at <https://x.com/FionaHarvey2014/status/514416588645494785?lang=en> (last visited August 25, 2024). Exhibit 8 is incorporated into the Complaint. Complt., ¶ 35.



9. Annexed as Exhibit 9 is a true and correct copy of relevant excerpts from Netflix’s 2024 10-K filed with the Securities and Exchange Commission at <https://www.sec.gov/ix?doc=/Archives/edgar/data/1065280/000106528024000030/nflx-20231231.htm> (last visited August 21, 2024). Exhibit 9 is incorporated into the Complaint. Complt., ¶¶ 5-6, 11, 50.

1 I declare under penalty of perjury that the foregoing is true and correct to the  
2 best of my knowledge, information and belief.

3  
4 Executed this 26<sup>th</sup> day of August, 2024 at New York, New York.

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6 By: /s/ Brian Levenson  
7 Brian Levenson  
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